

1 IN THE UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF ALABAMA
3 SOUTHERN DIVISION

4
5 CIVIL ACTION NO. CV-1:05-CV-717-A

6
7 SHIRLEY Z. LEE,
8 Plaintiff,

9 vs.
10 COMPASS BANCSHARES, INC.,
11 Defendant.

12
13
14 DEPOSITION

15 OF
16 SHIRLEY Z. LEE
17 January 13, 2006

18
19
20
21 REPORTED BY: Heather Spier
22 Court Reporter and
23 Notary Public



1 that you completed on Defendant's Exhibit
2 3, is it true and correct at least at the
3 time in which you completed it?

4 A. Yes, yes, it is.

5 Q. Now, is that your signature on
6 the last page of Defendant's Exhibit 3 at
7 the bottom?

8 A. Yes.

9 Q. I have your hire date as being
10 April 30, 2001. Does that sound correct?

11 A. 30th. Yes, I think that's
12 right. I thought it was early April, but
13 it's late April.

14 Q. Well, I don't know that it
15 matters which day. But you recall it
16 being April 2001; is that correct?

17 A. Yes, that's right.

18 Q. Who hired you?

19 A. Regina McNeil and Jerri
20 Carothers. I don't know which one.

21 Q. Okay. You don't know who made
22 the final decision?

23 A. I think Regina McNeil.



1 Q. And why do you say that?

2 A. Because she is branch manager,
3 and Jerri is only customer service
4 manager.

5 Q. Who interviewed you for the
6 position?

7 A. Regina and Jerri.

8 Q. And you were hired into a
9 teller position; is that correct?

10 A. Yes, that's right.

11 Q. And who was your supervisor
12 when you first were hired in the teller
13 position? Was it Jerri?

14 A. Jerri Carothers.

15 Q. And Carothers is I think
16 C-A-R-O-T-H-E-R-S?

17 A. Yes, that's right.

18 Q. Do you know who else applied
19 for your job besides you?

20 A. No, I did not know that.

21 Q. So you don't know who you were
22 selected over?

23 A. I don't think anybody else,



1 assistant from SouthTrust Bank, and also I
2 have a lot of customer service skills also
3 from Colonial Mortgage Company.

4 Q. I don't mean to interrupt you,
5 but I think you misunderstood my question,
6 perhaps because I didn't ask you
7 correctly --

8 A. Education?

9 Q. No. Actually, I'm asking you
10 what training did you receive from Compass
11 to perform the teller duties? You know,
12 after you were hired as a teller and
13 before you actually start working the
14 duties, were you trained on how to be a
15 teller?

16 A. I have about three days of
17 training, actually, just basically, you
18 know, how to get on their system. Their
19 computer, you know, system a little bit
20 different from what I have before.

21 Q. And who performed that
22 training?

23 A. Jean. Jean.



1 Q. Well, that's okay if you don't
2 know her name.

3 A. Jean. Regina can help me.

4 Q. J-E-A-N?

5 A. Yeah. I just can't remember
6 right now.

7 MS. MCNEIL: Jean Clark.

8 Q. Does Jean Clark sound
9 familiar?

10 A. Yes, Jean Clark.

11 Q. Where was the training
12 performed?

13 A. At the bank.

14 Q. At your branch?

15 A. Yes, at a branch.

16 Q. And was the training
17 one-on-one with you, or were there other
18 tellers going through the training at the
19 same time?

20 A. One-on-one. One-on-one to me.

21 Q. And can you tell me in general
22 what things were covered during that
23 training?



1 A. I think it was all the
2 machines, which was different from what I
3 had before. So basically she just showed
4 me, you know, how to use their machines,
5 you know, because I already know how, you
6 know, how to do the teller job.

7 Q. Anything else you recall being
8 gone over in training?

9 A. I don't remember.

10 Q. You don't remember. Okay.

14 Q. Ms. Lee, let me show you what
15 I'm marking as Defendant's Exhibit 4,
16 which is entitled Teller Performance
17 Expectations. Is that your signature at
18 the bottom of Defendant's Exhibit 4?

19 A. Yes.

20 Q. And do you recall receiving
21 this document?

22 A. Yes.

Q. And were there any discussions



1 or training about this document, or was it
2 a document that you were just handed and
3 signed? Or can you tell me what the
4 discussions were around the document I
5 guess is my question?

6 A. I don't remember we have any
7 discussion about this. She, you know --
8 basically Jerri just told me, you know,
9 teller performance that I was expected to
10 do. So she told me to sign the bottom. I
11 did.

12 Q. And did you read this
13 document?

14 A. I did, you know, quickly I
15 think.

16 Q. Did you get a copy of this
17 document? Is it put somewhere for you to
18 keep or --

19 A. I was not give a copy of this.

20 Q. You don't have a copy of it or
21 you weren't given one at the time?

22 A. I don't remember I have a copy
23 of this.



1 Q. Okay. Let me just make sure I
2 understand your answer. You don't
3 remember one way or the other?

4 A. Right.

5 Q. I have been told that there's
6 a notebook put together for tellers to
7 keep documents such as this one and about
8 delegated authority; is that correct?

9 A. Yes, that's correct.

10 Q. And Jerri Carothers creates
11 those notebooks?

12 A. Yes.

13 Q. And where are those notebooks
14 kept?

15 A. That's the handbook. Normally
16 you just insert, you know, new things or
17 new policy in the handbook.

18 Q. Separate from the handbook is
19 there a notebook, though, specific for
20 tellers and teller procedures?

21 A. I don't remember.

22 Q. Okay. Anything else you
23 recall being said at the time you received



1 Q. You don't remember one way or
2 the other?

3 A. That's when I -- no, I don't
4 remember.

5 Q. You don't remember one way or
6 the other, Ms. Lee, is that what you're
7 saying?

8 A. Yes, that's what I'm --

9 (Whereupon, Defendant's
10 Exhibit 6 was marked
11 for identification.)

12 Q. Ms. Lee, let me show you what
13 I'm marking as Defendant's Exhibit 6. On
14 the top right it's entitled Delegated
15 Authorities - Teller. And my first
16 question is is that your signature at the
17 bottom left corner of the document?

18 A. Yes.

19 Q. And it's dated on 11/28/01.
20 Is that when you signed it?

21 A. Yes, that's right.

22 Q. And my understanding, this is
23 the delegated authorities, meaning this is



1 the authority or the amount that you can
2 do certain transactions without getting
3 approval from management; is that correct?

4 A. Yes, that's right.

5 Q. Do you recall any discussions
6 about your delegated authority when you
7 received this document?

8 A. No, but I remember I did
9 receive a copy of this.

10 Q. And where was it kept?

11 A. In a handbook, in my handbook.

12 Q. Okay. Did you put documents
13 like this in your regular employee
14 handbook? Is that what you were telling
15 me earlier?

16 A. Yes.

17 Q. Okay. I was the one that was
18 confused, then.

19 A. Okay.

20 Q. So you would just take it and
21 put it in your regular employee handbook
22 that all employees at Compass Bank get; is
23 that correct?



1 best teller because I was fast, efficient,
2 accurate to handle the job, you know, very
3 fast and efficiently.

4 Q. My question was the name. Do
5 you remember the names of the customers?

6 A. I do. Actually, I do
7 remember. I mean, I know her exactly, but
8 I can't remember her name. I can tell you
9 later I'm sure.

10 Q. Okay. If it comes to you, you
11 just let me know.

12 A. Yes, I will tell you later
13 because I just can't remember right now at
14 this moment.

15 Q. Is it one or more than one?

16 A. More than one.

17 Q. Okay. Now, at some point
18 you -- I don't know if it was a promotion,
19 but you were moved to the senior teller
20 job; is that correct?

21 A. Right, yes. After the first
22 year, yes.

23 Q. And who would have promoted



1 you or moved you into that position?

2 A. Jerri Carothers.

3 Q. It's my understanding that you
4 applied for the financial sales rep
5 position; is that correct?

6 A. Yes, I did.

7 Q. And going back to the answers
8 to the interrogatories, Exhibit 1, if you
9 look at number eighteen --

10 A. Yes.

11 Q. -- I believe the question was
12 to list the financial sales reps or the
13 FSR positions that you believe you have
14 been discriminatorily denied. And D has
15 got Jennifer, Leslie Webb and Holly
16 Brownell. Are those the positions, the
17 FSR positions, that you believe you were
18 discriminatorily denied?

19 A. Yes.

20 Q. The ones that they filled?

21 A. Yes, that's right. I remember
22 Jennifer's name. Her last name is Little,
23 Jennifer Little.



1 Q. Okay. And I believe Leslie's
2 last name is Webber. Does that sound
3 right instead of Webb?

4 A. Yes, that's right. I'm sorry.

5 Q. That's okay.

6 A. I don't remember exactly.

7 Q. I knew who you were talking
8 about.

9 (Whereupon, Defendant's
10 Exhibit 8 was marked
11 for identification.)

12 Q. Let me show you Defendant's
13 Exhibit 8. And this document is entitled
14 at the top Bid Application. Does this
15 document look familiar to you?

16 A. Yes.

17 Q. Now, it's my understanding
18 that you would complete the top portion of
19 the bid application, because you see it
20 says to be completed by employee?

21 A. Yes.

22 Q. So let me back up. Is that
23 your signature there where it says Shirley



1 Lee, employee signature, in the middle of
2 the page?

3 A. I can't see my signature.

4 Q. Where? Oh, yes. Yes, that's right.

5 A. It's a little bit smaller than
6 some of the other signatures.

7 Q. Yes.

8 A. And you would have completed
9 this bid application on September 12,
10 2002?

11 Q. Yes.

12 A. And according to the bid, it's
13 for an FSR position; correct?

14 Q. Yes.

15 Q. And my understanding was
16 Jennifer Little was the person, the FSR,
17 who got this particular position; is that
18 correct?

19 A. Yes, that's correct.

20 Q. And then what did you do with
21 this bid application? Do you give it to
22 human resources or to Jerri?

23 A. I give it to branch manager.



1 Q. Okay. To Regina McNeil?

2 A. Yes.

3 Q. And I'm assuming that the next
4 part of it that says completed by
5 employee's supervisor, you don't see that
6 part?

7 A. I see her signature here.

8 Q. Yeah, you see it now. What
9 I'm saying is you turn it in, and then
10 they complete the bottom part of the bid;
11 is that correct?

12 A. Yes.

13 Q. Okay. Now, had you ever held
14 the financial sales representative
15 position before?

16 A. Not exactly position, but I
17 just have some experience.

18 Q. Okay. What experience did you
19 have that's related to the FSR position?

20 A. You know, I have a lot of
21 customer service skills already through
22 work at Colonial Mortgage Company and
23 SouthTrust Bank, even K.O.K Trading



1 Q. Anybody else?

2 A. No.

3 Q. And what were you told about
4 your selection? Did someone tell you you
5 didn't receive the job, or did you just
6 see Jennifer Little in the job? How were
7 you notified that you didn't get the job?

8 A. I believe I was notified, you
9 know, after interview, you know, someone
10 has more experience was going to transfer
11 to our branch to take this position.

12 Q. And do you recall when you
13 were notified that you didn't receive the
14 job?

15 A. I remember to say the end of
16 the interview I was told, you know.

17 Q. You believe it was at the end
18 of 2002?

19 A. No, the end of the -- at the
20 end of the interview.

21 Q. Oh, I'm sorry. How much time
22 elapsed just in general between your bid
23 application and your interview? Are we



1 A. I have -- you know, I think I
2 have maybe the same, you know, amount of
3 training as she has. I have a higher
4 education background. You know, I work --
5 I have a better working attitude than she
6 has. I'm better customer skilled than she
7 has. But I think it's just because I'm
8 Asian-American that's why I didn't get it
9 and she's white.

10 Q. So you believe that you were
11 discriminated against when you didn't
12 receive the position?

13 A. Yes.

14 Q. Did you believe that at the
15 time when you were told you didn't get the
16 position, that you had been discriminated
17 against?

18 A. Actually, I was disappointed
19 that I didn't get the job. You know, I
20 was disappointed I didn't get any, you
21 know, chance.

22 Q. My question is a little bit
23 different. I'll back up a little bit.



1 You said you believe you didn't get the
2 FSR position because you're
3 Asian-American?

4 A. Right.

5 Q. And my question was at the
6 time you were told you're not going to get
7 this job, did you believe at that time --

8 A. Right. Actually --

9 Q. Wait. Let me finish my
10 question. Did you believe at that time
11 that you had been discriminated against
12 because you're Asian-American?

13 A. Actually, I see that now. At
14 that time, you know, I did not recognize
15 that yet in September 13, '02 I didn't. I
16 didn't know that.

17 Q. When did you first believe
18 that you were discriminated against with
19 respect to the FSR position that was
20 filled by Jennifer Little?

21 A. I have little bit of feeling
22 after Leslie got the job, and that was
23 very confirmed about that after Holly



1 Brownell got the job.

2 Q. I am so sorry. I just didn't
3 understand at all what you said. I
4 apologize.

5 A. Okay.

6 MR. KAUFFMAN: Did you get it?
7 Could you -- let's let the court reporter
8 read it.

9 (Record read.)

10 Q. So let me just follow up on
11 that. You had a suspicion that you were
12 discriminated against after Leslie got the
13 job, and your suspicion was confirmed and
14 felt you had been discriminated against
15 after Holly Brownell received her FSR
16 position?

17 A. Yes. Yes, you're right.

18 Q. What do you know about
19 Jennifer Little's qualifications prior to
20 her receiving the FSR position?

21 A. I thought she was a teller
22 too, work at Compass Bank. She work at
23 the Eufaula branch. She was a teller too.



1 Q. And my question is do you
2 recall sitting here today what she
3 highlighted or what she --

4 A. No.

5 Q. Okay.

6 A. No. I'm sorry.

7 (Whereupon, Defendant's
8 Exhibit 10 was marked
9 for identification.)

10 Q. Ms. Lee, let me show you what
11 I have marked as Defendant's Exhibit 10,
12 which is a memo to you from Jerri
13 Carothers dated November 5, 2002,
14 Attendance, Written Warning. Is that your
15 signature at the bottom of the document?

16 A. Yes.

17 Q. And you would have signed this
18 on November 6, 2002?

19 A. Yes.

20 Q. And do you recall any
21 discussions surrounding this written
22 warning for attendance?

23 A. No, I don't remember we had



1 any discussion, but I were, you know, just
2 told, because, you know, the number of
3 times of absence, you know, so I have to
4 sign this form.

5 Q. And do you recall the reasons
6 for the absences listed here?

7 A. I know most of time -- yes,
8 because my son was sick or sometime, you
9 know, the school has, you know, little bit
10 of accident they call me up. I have to
11 leave, you know, for like one hour. It's
12 still counted absence. And then next
13 day -- one day the kid, he fell from the
14 swing, so they called me. So I left like
15 one hour early, so it was counted too.
16 And another time, you know, my kid had,
17 you know, bad cold, so he couldn't go
18 to the -- he was not allowed to take to
19 daycare, so I have to call for, you know,
20 for sick leave. But it all counts. You
21 know, everything count. You come in late,
22 you know, it count too.

23 Q. On the second line of



1 Talking about Regina McNeil?

2 A. Yes, and Jerri Carothers.

3 (Whereupon, Defendant's
4 Exhibit 11 was marked
5 for identification.)

6 Q. Ms. Lee, let me show you what
7 I'm marking as Defendant's Exhibit 11, and
8 I'm going to give you a second to read it
9 because I'm not sure if you've ever seen
10 it before. Have you ever seen Defendant's
11 Exhibit 11 before?

12 A. No.

13 Q. Do you recall the incident
14 that's stated in Defendant's Exhibit 11, a
15 complaint by a Willie Lee Pittman?

16 A. No.

17 Q. Is there anything that sounds
18 familiar about Defendant's Exhibit 11 at
19 all?

20 A. No. But I do know Ms.
21 Pittman.

22 Q. Okay. How do you know Ms.
23 Pittman, just being a customer?



1 A. Right. I seen -- I saw her
2 several times at the bank.

3 Q. And do you recall any
4 discussions that either Ms. McNeil had
5 with you or Ms. Carothers about a
6 complaint by Willie Lee Pittman?

7 A. No, we never have discussion
8 about this. But I do have a comment, you
9 know --

10 MR. NEWMAN: Well, let me ask
11 the questions.

12 A. Okay.

13 (Whereupon, Defendant's
14 Exhibit 12 was marked
15 for identification.)

16 Q. Ms. Lee, let me show you what
17 I'm marking as Defendant's Exhibit 12.
18 This document is entitled Bid Application.
19 Do you see your -- is that your signature
20 on Defendant's Exhibit 12 about halfway
21 down?

22 A. Yes.

23 Q. It's my understanding this is



1 your bid application for the job filled by
2 Holly Brownell; is that correct?

3 A. Yes, I think so.

4 Q. And this is once again for the
5 FSR position?

6 A. Yes.

7 Q. Were you interviewed for the
8 FSR position filled by Holly Brownell?

9 A. Yes.

10 Q. And who interviewed you?

11 A. Regina McNeil.

12 Q. Anybody else?

13 A. No.

14 Q. Do you recall anything that
15 was said during the interview?

16 A. No.

17 Q. When did you learn that you
18 didn't receive the FSR position that was
19 given to Holly Brownell?

20 A. I was told, you know, about
21 the same thing. Someone else, you know,
22 has more experience was going to, you
23 know, transfer here to get the position.



1 Q. And do you recall when you
2 were told that? Was it during the
3 interview or was it after the interview?

4 A. No. At the end of the
5 interview.

6 Q. And do you recall, just
7 approximately, how much time elapsed
8 between your bid application and when you
9 were interviewed?

10 A. I don't -- I don't remember
11 when Holly started her job. I think that
12 that was probably about after one month.

13 Q. After one month?

14 A. Yes, because she was moved,
15 you know, from Birmingham to Dothan,
16 Alabama.

17 Q. And I believe you testified
18 earlier after Holly Brownell received the
19 FSR position you believe that you had been
20 discriminated against with respect to the
21 FSR position; correct?

22 A. Yes.

23 Q. Why at that time did you not



1 file anything, either with the EEOC or
2 through any procedures with Compass Bank?

3 A. I was very upset and
4 discouraged. I talked to my many
5 coworkers. I was told, you know, do not
6 worry, you know, it was not worth it to
7 apply for the position. So I holded my
8 tongue. And also later on that year I
9 told, you know, human resources, the
10 representative, that I felt I was racially
11 discriminated. She didn't say -- she did
12 not do anything. She did not say anything
13 either. They just -- and then -- I'm
14 sorry. Before I talked to her I told, you
15 know, my supervisor I want to quit the
16 job.

17 Q. Okay. And that was the
18 time --

19 A. And then district manager, you
20 know, came to the bank, met me, talked to
21 me. She told -- she wished I could stay
22 at the bank, continue to work at the bank
23 because she told me I did an excellent



1 job, she liked me so she wished me to
2 stay. So I did stay. I didn't even make
3 complaint. But I did talk to the human
4 resource representative about, you know,
5 this written discrimination. She did
6 nothing and say nothing, because I
7 continue -- I decided to continue to work
8 at the bank, so I didn't say anything
9 either.

10 Q. Who were the coworkers that
11 you talked to?

12 A. I'm sorry. Because there is
13 such a high turnover at the bank, I don't
14 remember back to '03 whom I talked to. I
15 believe Adrian maybe Morrison. Just
16 whoever worked there then I talked to. I
17 don't remember who was there --

18 Q. What positions --

19 A. -- at that time, you know.

20 Q. What positions did they hold?

21 A. Teller and -- yes, teller and
22 assistant teller, maybe a high teller.

23 Q. Who was the human resources



1 representative that you mentioned earlier
2 that you saw?

3 A. Bynum Rogers.

4 Q. That was the human resources
5 manager that you spoke to about believing
6 you were discriminated against?

7 A. Well, she is a human resources
8 representative for Montgomery area.

9 Q. That's the one you talked to
10 about being discriminated against?

11 A. Yes, which covered the Dothan
12 branch.

13 Q. And when did you talk to Bynum
14 Rogers?

15 A. I believe we would have a
16 get-together at the end of '03, maybe
17 around November or October, the year 2003.
18 I don't remember exactly date, but I know
19 it's late '03.

20 Q. And why did you wait until the
21 end of '03 to talk to Bynum Rogers about
22 feeling discriminated against with respect
23 to the FSR position?



1 A. Because that's -- that was the
2 first time, the only time I saw her. I
3 didn't -- I didn't see her earlier. I
4 don't know whom, you know, I could talk to
5 besides Bynum Rogers.

6 Q. Do you believe that you were
7 more qualified than Holly Brownell?

8 A. Yes.

9 Q. Why do you believe you were
10 more qualified than Holly Brownell?

11 A. I believe that I am. After
12 all, I have, you know, a higher education
13 than she has. Just same as, you know,
14 before, as I said, same as, you know, when
15 other people get the same position. I
16 think I have more customer service skills.
17 I have worked at Dothan Main for long time
18 so I'm familiar with all the customers. I
19 have good customer service skill, solve
20 problem skills. I was willing to take
21 challenge, but I was not given any
22 opportunities. I was not given any
23 opportunity to use my knowledge, to



1 maximize my, you know, talent.

2 Q. Just let me clear one thing
3 up. I apologize. I'll try not to go into
4 something you already covered. But you
5 said after Holly Brownell received the
6 position you believed at that time you
7 were discriminated against; correct?

8 A. Yes.

9 Q. What was it at that time that
10 made you think I have been discriminated
11 against with respect to being
12 Asian-American?

13 A. Because I had been applying
14 for three times. And I don't know where
15 the application sheet for the other time,
16 but I applied three time, you know. Every
17 time I was told, you know, someone else
18 has more experience to fill the position,
19 and then they all white. Just because I'm
20 Asian-American. And I believe I just was
21 racially discriminated against.

22 Q. We did talk about another FSR
23 position that was filled by Leslie Webber;



1 correct?

2 A. Yes.

3 Q. And Leslie Webber filled the
4 FSR position before Holly Brownell;
5 correct?

6 A. Yes.

7 Q. And I have her date of filling
8 that position being in November of 2002.
9 And my question to you is does that sound
10 correct?

11 A. Yes. I remember she came
12 later in the year, you know, months before
13 Christmas. I think that was right.

14 Q. So there wouldn't have been
15 much time between Leslie Webber having the
16 job and then Holly Brownell filling the
17 job; is that correct?

18 A. Yes, that's right, because
19 there's, you know, another position open
20 because we have three FSR positions at
21 bank, yes.

22 Q. And you applied for the FSR
23 position that Leslie Webber received?



1 A. Yes, I did.

2 Q. Were you interviewed for the
3 job that Leslie Webber received?

4 A. Yes, I did.

5 Q. Who interviewed you?

6 A. Regina McNeil.

7 Q. Anybody else?

8 A. No.

9 Q. When did you learn that you
10 didn't receive the FSR position that was
11 filled by Leslie Webber?

12 A. I believe that I was told at
13 the end of interview, you know, someone
14 else has more experience was going to
15 transfer to Dothan branch and take the
16 position.

17 Q. Do you believe that you were
18 more qualified than Leslie Webber for the
19 FSR position?

20 A. I didn't -- at that time I did
21 not know, you know, Leslie Webber. Yes, I
22 believe, you know, I have an equal, you
23 know, opportunity and qualification than



for identification.)

Q. Ms. Lee, let me show you what I have marked as Defendant's Exhibit 13, which is a memo to -- it's addressed memo to you from Jerri Carothers dated on January 27, 2003?

7 A. Yes.

8 Q. Regarding a customer service
9 complaint. Do you recall receiving a copy
10 of Defendant's Exhibit 13?

11 A. Yes, I did.

12 Q. And it appears to me that the
13 handwriting on here, but I need you to
14 confirm, on the bottom of the first page
15 of the exhibit and the second page is your
16 handwriting; is that correct?

17 A. Yes. I was told, you know, I
18 could write down my comments, my idea
19 underneath this, so I did.

20 Q. And do you remember any
21 discussions about this Defendant's Exhibit
22 13 when you received this?

23 A. I remember I have brief



1 Asian-American why he doesn't like you?

2 A. Yes, because I'm not white.

3 I'm not American.

4 (Whereupon, Defendant's
5 Exhibit 14 was marked
6 for identification.)

7 Q. Ms. Lee, let me show you what
8 I have marked as Defendant's Exhibit 14,
9 which is a memo addressed to you from
10 Jerri Carothers regarding attendance
11 probationary warning. Is that your
12 signature at the bottom of the Defendant's
13 Exhibit 14?

14 A. Yes.

15 Q. And looks like you received it
16 on January 27, 2003?

17 A. Yes. Let me go back to look
18 at the other one. I have another one.
19 Okay. When was that? Okay. That is
20 November 2002. Okay, that is right.

21 Q. And do you recall any
22 discussions about Defendant's Exhibit 14
23 with Jerri Carothers?



1 A. No.

2 Q. And do you recall the reasons
3 for any of these absences and tardies that
4 are listed on this document?

5 A. Well, as I told you earlier,
6 you know, most of the time because of my
7 kid was sick, or some accident happened at
8 the daycare and I left early or come back
9 late a little bit. But everything is all
10 count absent.

11 Q. Right. According to their
12 policy, they keep up with all absences;
13 correct?

14 A. Yes. I think supervisor keep
15 the records for this. So, actually -- I
16 just note this. I'm sorry. The
17 difference between this one and this
18 one --

19 Q. And when you say this one, can
20 you tell me what exhibit number?

21 A. Exhibit 10. So I was absent
22 five times. On this one is absent five
23 times too except tardy, got a twenty



1 difference. But, you know, the occurrence
2 is the same, the occurrences, you know,
3 five occurrences, absences.

4 (Whereupon, Defendant's
5 Exhibit 15 was marked
6 for identification.)

7 Q. Okay. Well, let me show you
8 another one. Here is Defendant's Exhibit
9 15.

10 A. Well, it doesn't matter.

11 Q. Your signature is at the
12 bottom of Defendant's Exhibit 15?

13 A. Yes.

14 Q. And this one is dated on July
15 21, 2003; is that correct?

16 A. Yes.

17 Q. And do you recall any
18 discussions surrounding you receiving this
19 written counseling for attendance?

20 A. Yes.

21 Q. What do you recall?

22 A. I remember discussion with
23 Jerri Carothers. She told me about this,



1 you know. She was apologize, you know,
2 for this happen. You know, I was too,
3 apologize. She said, well, just come to
4 the policy, you know, and you need to sign
5 this. I did.

6 Q. Anything else you recall being
7 said?

8 A. No.

9 (Whereupon, Defendant's
10 Exhibit 16 was marked
11 for identification.)

12 Q. Let me show you Defendant's
13 Exhibit 16, which is a memo to you from
14 Jerri Carothers dated November 19, 2003.
15 Is that your signature at the bottom of
16 Defendant's Exhibit 16?

17 A. Yes.

18 Q. And you would have received
19 this on November 21, 2003?

20 A. Yes.

21 Q. And do you recall any
22 discussions with Jerri Carothers about
23 Defendant's Exhibit 16 when you received



1 it?

2 A. Yes, I did.

3 Q. What do you recall being said?

4 A. Well, she called me, told me
5 about this, you know, the number of times
6 of absence. She told me she was
7 understand, you know, things happen, but,
8 you know, if your absence number
9 occurrence is over, you know, look over
10 the policy. She have to give me this to
11 sign, so I did.

12 Q. Anything else?

13 A. No. I think she said
14 according to the policy she had to give me
15 this to sign.

16 (Whereupon, Defendant's
17 Exhibit 17 was marked
18 for identification.)

19 Q. Ms. Lee, let me show you
20 Defendant's Exhibit 17, which is a memo to
21 you from Jerri Carothers dated February
22 24, 2004 regarding attendance, written
23 counseling. Is that your signature at the



1 bottom of Defendant's Exhibit 17?

2 A. Yes.

3 Q. And you would have received
4 this written counseling on March 2, 2004?

5 A. Yes.

6 Q. Do you recall any discussions
7 when you received this document?

8 A. Yes.

9 Q. What do you recall being said?

10 A. I think Jerri Carothers just
11 told me, you know, same things, you know,
12 sorry for what happened, but, you know, I
13 need to, you know, be careful, you know,
14 try not to, you know, let it happen again.
15 She understand, of course, the reasons
16 sometimes of what happened, but, you know,
17 so --

18 Q. Anything else?

19 A. No.

20 Q. Now, you mentioned previously
21 that you had -- well, was there a time
22 during your employment that you stated you
23 wanted to resign?



1 A. Yes.

2 Q. And do you recall when that
3 was?

4 A. I don't remember the exact
5 date and time.

6 Q. I've got some documents to
7 indicate it was around April 2004. I know
8 you can't recall exactly, but does that
9 sound about right?

10 A. Yes.

11 Q. What was the reason why you
12 wanted to resign?

13 A. Because I was upset. I was
14 discouraged for -- you know, for turn
15 down, you know, FSR position. Also, you
16 know, I just felt I'm over-qualified to
17 doing the teller job. I was treated
18 unfairly. Also I was treated without, you
19 know, dignity and respect.

20 Q. Anything else?

21 A. No.

22 Q. How were you treated unfairly?

23 A. There is a lot of things



1 happen, which give me that feeling. FSR,
2 position, you know, is one thing. There's
3 some other things.

4 Q. And I'm asking for those?

5 A. Oh, okay. Well, some things I
6 probably don't remember at this moment,
7 but I can tell you later. Like, you know
8 drivethrough, working in the drivethrough.
9 Nobody liked to work at the drivethrough
10 because, you know, that is -- there's
11 supposed be two people, two teller work at
12 the drivethrough window.

13 And drivethrough is the
14 busiest place in the whole place, whole
15 bank, you know, because everybody, you
16 know, just love the drivethrough, you
17 know, drive by. They don't have to get
18 out the car. They don't have to come in
19 the bank. It's fast and convenient. So
20 just many more customers at the
21 drivethrough than the lobby.

22 And then -- but the fact is,
23 you know, most of the time only one person



1 Q. Okay. I understand that. But
2 my question is do you recall anything that
3 was in the letter of resignation? Did it
4 just say --

5 A. No. It said I'm sorry to
6 inform you that I decided to leave the
7 Compass Bank. You know, my last day was
8 blah, blah, blah. You know, that's it.

9 Q. Now, how did it come about
10 that you did not resign from Compass Bank
11 that time?

12 A. Well, other tellers told me,
13 you know, to stay. Customers told me to
14 stay. The district manager came to the
15 bank, told me the good job I did. She
16 asked me to stay. Bynum, I saw Bynum,
17 human resource representative, so I have a
18 talk with her too. She wished me to stay
19 too. So I was encouraged to stay. And
20 then we have also have Compass club
21 meeting dinner at Old Mill Restaurant in
22 Dothan. So I was awarded, you know,
23 award, you know, for the -- for the, you



1 want me to leave. So I did put that all
2 into consideration.

3 Q. Why did you tell the customers
4 that you were going to leave? Were you
5 just telling them your last day would
6 be --

7 A. Yes, I'm leaving for my last
8 day.

9 Q. Is the district manager you've
10 been referring to Mona George?

11 A. Yes.

12 Q. Tell me what Mona George said
13 to you about wanting you to say?

14 A. I don't remember the exact
15 words she said, but she said, you know,
16 Shirley, please stay, you know, you did an
17 excellent job, you know, I like you, so
18 please stay for me. I said, okay.

19 Q. Anything else you recall being
20 said in that discussion?

21 A. That's basically what she told
22 me, maybe not same word.

23 Q. What did you tell Mona George



1 say --

2 A. Like a cross --

3 Q. Let me finish my question
4 first.

5 A. Oh, I'm sorry.

6 Q. It's okay. It's just
7 important for the record that I finish my
8 question. What type of training did she
9 say she could help with?

10 A. Doing the FSR job, the cross
11 training. She told me she would tell the
12 manager about it and they would do
13 something, training on me, but nobody
14 talked to me. Nobody did any training.

15 Q. Okay. Anything else you
16 recall discussing with Bynum Rogers?

17 A. No. That's the only two
18 things basically we talked about.

19 Q. Why did you decide to stay at
20 Compass Bank? Was it because these
21 individuals asked you to stay?

22 A. (Witness nods.)

23 Q. Is that a yes?



1 A. Well, because I worked at a
2 bank for long time. I liked the
3 customers. I like my coworkers. I was
4 still, you know, hoping, you know, one day
5 maybe I will get promoted, get a different
6 position job, which was to me better, so I
7 decided to stay then.

8 Q. Any other reason?

9 A. No.

10 Q. Now, according to my records,
11 in June of 2004 you filed a petition for
12 protection from abuse against your former
13 husband, Mr. Lee. Does that sound
14 correct?

15 A. 2004?

16 Q. Yes, ma'am. June.

17 A. Yes, I think so.

18 Q. What was your husband doing at
19 that time that required you to file a
20 petition for protection?

21 A. He just -- he threaten me, you
22 know, to take my son away from me. So I
23 thought he -- I believe he was dangerous,



1 so I filed the petition, restraining order
2 against him.

3 Q. Was that the only thing he
4 did -- that's a lot. I'm not meaning it
5 that way. But was there anything else
6 that he did that caused you to file the
7 petition for protection?

8 A. No. That's the main reason.

9 Q. And what was the result of the
10 petition? Did you go to court, or what
11 happened?

12 A. Well, the result, we got
13 divorced, so I was awarded divorce and the
14 full custody for my son.

15 (Whereupon, Defendant's
16 Exhibit 18 was marked
17 for identification.)

18 Q. Ms. Lee, I'm going to show you
19 what I'm marking as Defendant's Exhibit
20 18. I just have a few questions about
21 this document that's entitled Teller
22 Performance Expectations. The first
23 question, is that your signature at the



1 bottom of the page?

2 A. Yes.

3 Q. And it looks like Jerri
4 Carothers dated it 4/13/04. Is that about
5 the time in which you signed it?

6 A. Yes, I think so. Yes.

7 Q. Do you recall any discussions
8 about this document at the time you
9 received it?

10 A. I just remember she told me
11 that just some teller performance
12 expectations, of course, you are aware of
13 this. I say, yes. And then she said,
14 okay, just sign at the bottom. I did.

15 Q. Do you recall any training
16 that you received by Mona George about
17 loss prevention?

18 A. I did. I did remember. We
19 have a meeting.

20 Q. And according --

21 A. Teller meeting.

22 Q. According to my records, that
23 happened in October of 2004. Does that



1 sound correct?

2 A. Yes, yes, about that time I
3 remember.

4 Q. What was the training about?

5 A. About shortage, overage, you
6 know, how to prevent the loss.

7 Q. What was said about how to
8 prevent the loss?

9 A. Just because she told me it
10 was close to the holiday time. You know,
11 just be extra cautious about it, fraud
12 activities.

13 Q. Anything else?

14 A. And make sure you know -- you
15 knew your delegated authority, and Mona
16 asked me what my delegated authority was.
17 I told her. I told her -- I believe I
18 told her two thousand dollars, and then
19 she said okay. But, you know, Jerri
20 Carothers, supervisor, if I was wrong, she
21 should have corrected me then.

22 Q. Okay.

23 A. Because it was very serious



1 (Whereupon, Defendant's
2 Exhibit 19 was marked
3 for identification.)
4 Q. Ms. Lee, let me show you
5 Defendant's Exhibit 19. It's my
6 understanding these were documents used by
7 Mona George during loss prevention
8 training. Would you look through the
9 documents and see if I'm correct, because
0 there's several pages to the document?

11 A. Yes, I remember she talked
12 about AMERICAN, yes.

13 0. Talk about what?

14 ; A. You know, AMERICAN. Each
15 letter represent what is, you know --

17 A. Yeah. Check notations,
18 deposit notations. Yes, we have me
19 to talk about this.

Q. And were you given copies of Defendant's Exhibit 19?

22 A. Yes, I believe I did, yes.

Q. And you will see on the first



1 page at the top it talks about a
2 T-notation. And then if you look at the
3 third page where it says check notations
4 at the top, you see that check there and
5 it's got an SM/Open Date?

6 A. Uh-huh.

7 Q. Do you see that? You just
8 need to answer yes. I'm sorry.

9 A. Yes.

10 Q. Okay. Is that the T-notation
11 or the T-bar?

12 A. Yes. They call it T-bar, yes.

13 Q. Okay. And then I believe
14 below it explains what each one of those
15 items are; is that correct?

16 A. Yes.

17 Q. Do you recall during the
18 training that Mona George provided on loss
19 prevention, her talking about any specific
20 fraudulent activity?

21 A. She went through all of this.

22 Q. Just so we're clear, when you
23 say this, you're talking about the



1 information in Defendant's Exhibit 19?

2 A. Right, yes, on Exhibit 19.

3 Yes, she went through all of this, and she
4 show us also some examples of, you know,
5 the mistake, you know, other teller at the
6 other bank, you know, did earlier that
7 year or before.

8 Q. And do you recall what the
9 mistake was?

10 A. Well, one example, like one of
11 the teller cash a check, you know, without
12 even signature on there.

13 Q. When you say signature, you're
14 talking signed at the bottom right-hand
15 corner?

16 A. Right. Without customer
17 signature, yes. The other one is not a
18 check because no routing number. And some
19 others.

20 Q. Do you remember what the other
21 examples were?

22 A. No.

23 Q. Do you remember if she showed



1 any pictures of individuals who might be
2 conducting fraudulent activity with
3 checks?

4 A. Not a picture, you know, of a
5 criminal who did this fraudulent activity.
6 I don't remember her showing the picture.

7 Q. You don't remember seeing
8 that? I'm sorry, Ms. Lee, I just didn't
9 understand your testimony.

10 A. Yes. No, I don't remember
11 seeing it.

12 Q. Okay. Do you know whether she
13 showed the group pictures of people who
14 were actually doing the fraudulent
15 activity with the checks?

16 A. I know she talk about, you
17 know, this, you know, these people, you
18 know. There's a group of people, you
19 know, have been doing this, you know, at
20 the different bank, different locations,
21 but I don't remember their names or, you
22 know, the pictures.

23 Q. You just don't remember



1 whether she showed them or not?

2 A. She showed us --

3 Q. I'm being specific about the
4 pictures?

5 A. I don't remember.

6 Q. Okay.

7 A. I don't remember what they
8 look like.

9 (Whereupon, Defendant's
10 Exhibit 20 was marked
11 for identification.)

12 Q. Ms. Lee, let me show you what
13 I'm marking as Defendant's Exhibit 20,
14 which is a two-page exhibit. It's Bates
15 labeled 084 and 085.

16 A. Right.

17 Q. Do you recognize these as the
18 two checks that you handled as a teller --

19 A. Yes.

20 Q. -- that resulted in the loss
21 of three thousand dollars in the bank?

22 A. Yes, fifteen hundred each,
23 yes.



1 Q. Right. And help me out here
2 because I'm not a teller, okay?

3 A. Okay. Sure, sure.

4 Q. I have done a lot of work for
5 Compass Bank, but I may be a little slow
6 on this. How can you tell that you are
7 the one who handled these checks? Do you
8 have a teller number that gets put on the
9 check?

10 A. Yes. I was going to say --
11 yes, I'm teller number seven. So you can
12 see -- the 728, that's my number.

13 Q. Okay.

14 A. At the bottom of the check
15 above the memo line.

16 Q. And, obviously, this is a
17 front cover and back cover of the checks.
18 And there's the signature for the
19 individual. What is the number under
20 Cheryl Alleman, the name there, Cheryl
21 Alleman, that's on the back of the check?
22 Starts with an S. What is that number?

23 A. That's --



1 Q. Is that a Social Security
2 number?

3 A. Social Security number and
4 license number.

5 Q. And driver's license number is
6 below that I guess?

7 A. Yes.

8 Q. And on the bottom of the first
9 page of Defendant's Exhibit 20 there is
10 some handwriting there. And I'm not sure
11 if you've ever seen this handwriting or
12 not, but it's my understanding it's not
13 your handwriting anyway because it says
14 talked to Shirley. That's not your
15 handwriting, though, Ms. Lee?

16 A. No. That's Jerri's
17 handwriting.

18 Q. Okay.

19 A. Jerri my supervisor, Jerri
20 Carothers.

21 Q. And I believe I saw somewhere
22 that it was brought to your attention
23 about the loss to the bank from these two



1 checks. It was brought to your attention
2 on December 30, 2004. Does that sound
3 right?

4 A. Yes.

5 Q. Can you tell me what
6 discussions you had with Jerri Carothers
7 or others about these checks?

8 A. Well, Jerri, you know, just
9 walked to my window and told me, you know,
10 about this loss in front of everybody.
11 Other tellers heard it too. One customer
12 at Phyllis window heard it too. She told
13 me, you know, she couldn't believe, you
14 know, that I did that.

15 Q. I'm sorry. Could you repeat
16 that last phrase?

17 A. She said, you know, she
18 couldn't believe that I did that. One is
19 understandable, and I have two. And then
20 that just, you know, ridiculous. So she
21 told me about it.

22 Q. And you may have told me the
23 best you can recall what she said, but I



1 A. I believe early, early January
2 or maybe late December '04, late.
3 December -- late December '04 or early
4 January '05. I don't remember the date.

5 Q. Any other discussions you had
6 with Jerri --

7 A. No. No, I didn't have another
8 one.

9 Q. And I'm saying until you were
10 informed of the termination decision?

11 A. Right. No, I did not have
12 another discussion or meeting.

13 Q. Okay. Going back to the
14 checks, Defendant's Exhibit 20, there's no
15 T-bar on the checks; correct?

16 A. Right.

17 Q. And why is that?

18 A. It was very busy day, you
19 know, short-handed. You know, she is
20 customer. I just forgot.

21 Q. And you're saying she's a
22 customer, but she really wasn't a
23 customer; correct?



1 Q. I'm sorry. Repeat that.

2 A. Yes, I did. Yes, I do
3 remember what happened then. But I don't
4 remember the one I did earlier.

5 Q. Okay. Is there any reason why
6 you remember this specific check, the
7 first one on Defendant's Exhibit 20?

8 A. Well, because I was suspicious
9 about this little bit. But then the
10 supervisor was at lunch, so she was not
11 there. I was so busy, so I didn't do --
12 that's why I didn't do the T-bar. And
13 then she has I.D., so I just continue.
14 And she is a bank customer, so bank
15 customer is not required to do the
16 thumbprint. So, I mean, so I cashed the
17 check.

18 Q. What kind of I.D.? Did she
19 have a driver's license?

20 A. Yes, she had a driver's
21 license.

22 Q. What was the race of the
23 person who was acting like she was Cheryl



1 Alleman and presented the check to you?

2 A. She was a black lady.

3 Q. Do you know what race Cheryl
4 Alleman is?

5 A. She is black too.

6 Q. The actual Cheryl Alleman is
7 black is your understanding?

8 A. Uh-huh.

9 Q. Is that a yes?

10 A. Yes, yes.

11 Q. Do you remember anything about
12 the lady who was impersonating Julie
13 Brannon and presented the check to you?

14 A. Actually, I didn't, because
15 that happened, you know, several months
16 ago. I mean, that's much earlier, you
17 know, '04.

18 Q. You don't remember her?

19 A. No, I don't remember.

20 (Whereupon, Defendant's
21 Exhibit 21 was marked
22 for identification.)

23 Q. Ms. Lee, I'm now showing you



1 Defendant's Exhibit 21, which I believe is
2 a document you referenced earlier. This
3 is a memo to you from Regina McNeil and
4 Jerri Carothers dated January 20, 2005.
5 Is this the written notice of termination
6 from employment?

7 A. Yes.

8 Q. And you were -- I stopped you
9 earlier because I knew we were going to
10 get to it. But tell me the circumstances
11 and discussions you had with either Regina
12 McNeil or Jerri Carothers at the time of
13 your termination when you were presented
14 with this document?

15 A. Sorry?

16 Q. It was a long question.

17 A. Yeah.

18 Q. Tell me what happened leading
19 up to your termination and receiving that
20 document?

21 A. That's on January 28th.

22 That's different day from the date I was
23 terminated, so --



for identification.)

Q. Ms. Lee, I'm now showing you what I have marked as Defendant's Exhibit 22, which is a letter dated February 1, 2005. It appears to be from you to Bynum Rogers; is that correct?

7 A. Yes, yes.

8 Q. And you wrote this letter;
9 correct?

10 A. Yes.

11 Q. That's your signature on the
12 last page?

13 A. Yes.

14 Q. And it's got a CC there,
15 Alabama Department of Industrial Relations
16 and the Civil Rights Center in Washington,
17 D.C. Now, did you send this letter to
18 these two places as well?

19 A. Yes, I did.

20 Q. Now, I've got some records
21 relating to the Department of Industrial
22 Relations, but did you ever hear any
23 response back from the Civil Rights Center



1 Q. It's the second sentence
2 there. I worked for the bank for some
3 four years and was fired on January 28,
4 2005 for an error that is common. And I
5 was just wondering what error you're
6 talking about there?

7 A. For cash a check without doing
8 the T-bar.

9 Q. And then it says, whites who
10 commit this error are not terminated. Who
11 are the whites that you're referring to?

12 A. Tiffany Davis.

13 Q. Okay. Anybody else?

14 A. Not that I know. Not the
15 branch that I work.

16 Q. Okay. When did Tiffany forget
17 to do the T-bar or not do the T-bar?

18 A. I don't know the date.

19 Q. How did you know that Tiffany
20 did not do a T-bar?

21 A. Oh, I know. She caused a
22 loss, too. She cashed a check which
23 turned out to be counterfeit check. So



1 evidently she did not check the signature.
2 She did not ask approval for the
3 supervisor to sign the check. So she was
4 against the policy too. And the result is
5 the same, you know, caused a loss. Of
6 course, you know, nobody is saying
7 anything. I just found out later on.

8 Q. How did you find out?

9 A. From a friend, from her
10 friend.

11 Q. Who is that?

12 A. From Tiffany's friend. I
13 forgot her name.

14 Q. How do you know her friend?

15 A. Because her friend work at the
16 bank too.

17 Q. Oh. So you learned from
18 people who worked at the bank?

19 A. Yes.

20 Q. And you don't remember their
21 name?

22 A. It was a new teller. Because
23 it was a new teller, I don't remember.



1 Q. Oh.

2 A. You know, it's a new teller.

3 Q. You never had any discussions
4 with Tiffany about it, though?

5 A. Of course not.

6 Q. And was this with just one
7 friend of Tiffany's you discussed this
8 with?

9 A. No. And then later on I heard
10 it from other teller.

11 Q. Who was that?

12 A. Phyllis. The new teller last
13 name is Brankin.

14 Q. Say that again. I'm sorry.

15 A. Brankin.

16 Q. Brankin?

17 A. Brankin, yes. I forgot her
18 first name.

19 Q. And they are the ones that
20 told you that Tiffany had a loss as a
21 result of failing to do the T-bar?

22 A. Right.

23 Q. When did they tell you this?



1 ever tell you what discussions, if any,
2 that management had with Tiffany Davis
3 about the loss?

4 A. No, they did not tell me, you
5 know, the content in the meeting between
6 Tiffany and manager.

7 Q. I'm sorry. What was the last
8 part you said?

9 A. They did not tell me the
10 content of the meeting between Tiffany and
11 manager.

12 Q. Okay.

13 A. They just, you know, saw the
14 result, you know, the fact, obvious fact.

15 Q. Do you know of any Compass
16 Bank employees who have been fired for a
17 loss after not doing a T-bar or verifying
18 signatures, other than yourself?

19 A. Oh, it's happened before.
20 This is not the first time.

21 Q. And who --

22 A. It's happened all the time.

23 Q. Who has been fired for that?



1 A. I don't know. I don't know
2 them.

3 Q. Okay.

4 A. At Dothan Main I don't know.
5 I mean, you know, I'm the -- I'm the only
6 one that was fired there. I don't know,
7 you know, what happened at other branch.

8 (Whereupon, Defendant's
9 Exhibit 25 was marked
10 for identification.)

11 Q. Ms. Lee, let me show you
12 Defendant's Exhibit 25, which is the
13 complaint you filed in this action. If
14 you will, turn to the second page of the
15 document, paragraph number seven, that
16 states that the Defendant's agents,
17 Plaintiff's supervisor, disciplined her in
18 a manner not used to discipline white
19 employees which was humiliating and
20 insulting. Is that something that we've
21 talked about?

22 A. Yes.

23 Q. And could you just -- without



1 going into all the detail of it, could you
2 just briefly tell me what you're referring
3 to there?

4 MR. NEWMAN: Even though we
5 have already talked about it?

6 MR. KAUFFMAN: Yeah. I just
7 want -- just whatever -- a glimpse of it,
8 just to make sure we have talked about it.

9 A. Just the way they, you know --
10 between -- between me and Tiffany Davis.

11 Q. Okay. And paragraph eight
12 says, management at plaintiff's place of
13 employment habitually treated any
14 minority, African-American, Asian,
15 different from the treatment whites
16 received. Have we also discussed all ways
17 in which management did that?

18 A. Yes, I think we have already
19 covered that.

20 Q. That's good. That saves us
21 time. All right. I am looking at your
22 answers to some requests for production.
23 I will just go ahead and mark them.



1 A. No, I don't have a copy, but I
2 have -- well, I'm sorry. It may be in the
3 employee handbook. I have seen this one
4 before.

5 Q. When would you have seen that?
6 Some time during your employment it was
7 given to you?

8 A. Yeah, some time in the
9 employment. I think in the beginning of
10 employment I was given a copy of this. I
11 just have never, you know, have discussion
12 with anybody about it.

13 Q. Ms. Lee, when did you become a
14 U.S. citizen?

15 A. In the year 2001. No. 2002.

16 Q. It was after you began
17 employment with Compass Bank; is that
18 correct?

19 A. Yes, that's right, after.

20 Q. And did somebody -- did the
21 bank throw you a party or something or
22 have a cake or something when you obtained
23 your citizenship?



1 A. Actually, I think Jerri did.
2 Jerri Carothers did, yes, did give me
3 welcome meeting -- I mean, a party, small
4 party, yes.

5 Q. Was there a cake at the party?

6 A. I have a cake. I have -- you
7 know, everybody bring a dish, you know,
8 covered dish from home.

9 Q. Was it lunchtime?

10 A. Yes, at lunchtime, yes.

11 Q. And that was in honor of you
12 becoming a U.S. citizen?

13 A. Yes.

14 Q. Did Ms. Carothers ever help
15 you or offer any assistance with respect
16 to your problems that you were having with
17 your ex-husband, Mr. Lee?

18 A. You know, because she sit just
19 beside my window we have some causal
20 conversations, but she never really -- we
21 never sit down. She asked me what the
22 problem is, if there was anything she
23 could help me or assist with, you know.



4 Q. Let me show you what I'm
5 marking as Defendant's Exhibit 31.

6 A. O k a y .

7 Q. It is a memo to Shirley from
8 Jerri Carothers. And my understanding,
9 just so you know, this document -- it's my
10 understanding this document was never
11 given to you. It was a draft of a written
12 counseling. And it relates to an employee
13 meeting where service standards were
14 discussed about not taking personal calls
15 wherein you were talking to -- while
16 talking to customers. Do you recall a
17 meeting wherein it was discussed about
18 service standards and not taking personal
19 calls while waiting on customers?

20 A. We have general meeting. The
21 supervisor have meeting with every teller.

22 Q. Do you recall ever been talked
23 to or counseled about taking a personal



1 call when you were waiting on a customer?

2 A. No, I don't remember on this
3 one.

4 Q. And the date of this is in
5 April of '04, which is I believe very
6 close to the time period in which you
7 expressed an intent to resign from the
8 bank at one time. Do you know if
9 there's --

10 A. Yes, that's right.

11 Q. Okay. Do you recall ever
12 being counseled about being on a personal
13 call while waiting on a customer close to
14 the time when you expressed your intent to
15 resign?

16 A. That's right. I remember now.
17 My memory, you know, just refreshed. I
18 remember. That's right. Actually, that
19 was one of the reasons I resign because I
20 was -- I was, you know, treated wrong,
21 treated unfairly.

22 Q. Tell me what happened. Tell
23 me what discussions either Ms. McNeil or



1 C E R T I F I C A T E

2

3

4 STATE OF ALABAMA)

5 JEFFERSON COUNTY)

6

7 I hereby certify that the
8 above and foregoing deposition was taken
9 down by me in stenotypy, and the questions
10 and answers thereto were reduced to
11 typewriting under my supervision, and that
12 the foregoing represents a true and
13 correct transcript of the deposition given
14 by said witness upon said hearing.

15 I further certify that I am
16 neither of counsel nor of kin to the
17 parties to the action, nor am I in anywise
18 interested in the result of said cause.

19

20

21

22

A handwritten signature in cursive ink that reads "Heather Spier".

23

COMMISSIONER - NOTARY PUBLIC

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

SHIRLEY Z. LEE,

*

PLAINTIFF,

*

VS.

*

CASE NO.: 1:05-CV-717-A

COMPASS BANCSHARES, INC.,

*

DEFENDANT.

*

**PLAINTIFF'S ANSWER TO DEFENDANTS FIRST SET OF
INTERROGATORIES**

1. Yuling Zhou, Yuling Lee, Shirley Lee, or Yuling Tidmore
Address:

(April 1999 - present)

(April 1998-April 1999)

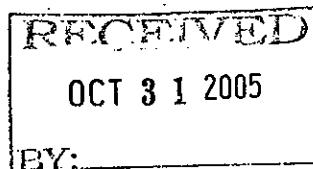
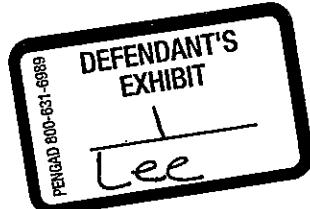
(October 1997-April 1998)

June 1996-October 1997

August 1995-June 1996

2. SSN:
3. Beijing Huang Cheng Gen Elementary School
(1970-1976)

Redacted



Beijing XiSi Middle School Beijing, P.R. China
(1976-1982)

University of International Business and Economics, Beijing, P.R. China
B.A., degree on International Trade
(1982-1987)

Troy State University, Troy Alabama
M.B.A. on Business Administration
(1993-1995)

4. Randy Tidmore
Married 10 months

Stephen Lee
Married 7 ½ years

5. Calvary Baptist Church

To share the gospel news about Jesus Christ with the world as well as the local community.

6. Compass Bank (April 2001- January 2005)
Position: Senior Teller
Supervisor: Jerri Carothers
Pay rate: \$8.15/hour
Reason for leaving: discharged

New Canton Restaurant (February 2000 – February 2001)
Position: owner
Salary: \$27,000/year
Reason for leaving: business was sold

7. 2004 Salary: \$16,782.00/year
2003 Salary: \$16,552.00/year
2002 Salary: \$16,222.75/year

Other benefits includes: 13 paid vacations
6 paid national holidays
Medical insurance
Dental/Vision Plan
Optional Life Insurance
Optional Accidental Death and Dismemberment
Spouse/Child Life Insurance
Medical spending account

401K retirements plan
Paid family emergency/sick leave

8. Filed Bankruptcy Chapter 7 on September 7, 2001
Case #01-03044-DHW-7
9. None
10. None
11. None
12. From the year 2001 to present, the only employer I had was Compass Bank, Dothan, AL. During the time that I was employed, I had applied for the position of FSR (Financial Service Representative) three times. The approximate time was: 10/2002, 06/2003, and 11/2003. Each time, I was turned down based on the decision of the branch manager because she told me that she had a better candidate than me.
13. Because of the all the humiliation and insult to me caused by the Defendant, I request compensation of app. \$5,000,000.000 because:
 - 1) Three years salary differences between a teller and a FSR is \$30,000.00
 - 2) My discharge was based on race discrimination.

I will have and have had difficulty getting another job from any other financial institution. Unfortunately, almost all my work history and specialties are with the banks. Starting a new and different career means that I will have to start from the bottom with the lowest paying rate. Also, during the 3 years and 10 months of employment with Compass Bank, the managers denied me any opportunity to advance my career, which did not comply with the bank policy. So, I have wasted 3 years and 10 months with Compass

Bank, Dothan, Main Branch. Therefore, I am entitled to get compensation for this.

3) Physical and mental damages:

Because of constant stress from the job and managers, because of denial on each job bid, because of opportunities were given to less qualified white people, who were new, had no experiences but were fond by managers for training as vault teller (Head teller used by other banks) assistant, because of the many times I was scolded in front of everybody, etc. I have been humiliated and hurt, which caused a chronic ulcer-like stomach pain (see doctor's report) and depression. I was given Zoloft on September 28, 2005 for depression treatment.

Because of all the above reasons, I am entitled to compensation.

4) Relocation costs

14. None

15.

I own the above property.

16. I've provided my degrees. Look at the education/degrees of those hired or promoted over me; these are the documents.

- 18. A) Financial Service Representative
- B) 10/30/2002; 06/03/2003; 11/03/2003
- C) Nov. 6, 2002; 06/10/2003; 11/13/2003
- D) Jennifer; Leslie Webb; Holly Brownell
- F) Regina Mc Neil as well Jerri Carothers (for her opinion)

19. First Med of Dothan
1245 Westgate Parkway
Dothan, AL 36303

Redacted

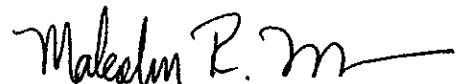
Gastroenterology Assoc. of Dothan
480 Honeysuckle Road
Dothan, AL 36303

Family Health Clinic
545 West Main Street
Dothan, AL 36301

Southern Bone and Joint Specialist PC
1500 Ross Clark Cir.
Dothan, AL 36301


Shirley Lee

Malcolm R. Newman, Attorney, P.C.


Malcolm R. Newman (NEW017)
Attorney for Plaintiff
P.O. Box 6137
Dothan, Alabama 36302
(334) 792-2132
ASB-2826-M39M

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing upon:

Douglas B. Kauffman, Esq.
Brent T. Cobb, Esq.
Balch & Bingham, LLP
P.O. Box 306
Birmingham, Alabama 35201-0306

by placing a copy of the same in the United States mail, postage prepaid this the 27th day of October, 2005.


Malcolm R. Newman

PENGAD 800-631-6800
DEFENDANT'S EXHIBIT
4

Teller: Shirley Lee

Review Period: 4-30-01 / 4-30-02

Teller Performance Expectations (Annual)

Employees are expected to consistently meet and occasionally exceed the standards set for this position in a competent and reliable manner. The following is a representation of proficient performance. Teller Standards direct perimeter issues of performance and employment.

#1 Shorts/Overs: Teller cash drawers are expected to be in balance at all times. Proficient status assigns an out of balance cumulative appraisal period tolerance of \$10.00 per day worked.

#2 Other Losses: Tellers are expected to adhere to deposit acceptance and check cashing policies in accordance with guidelines assigned to the individual teller. Responsibilities include, but are not limited to, a review of deposited items, the checking of endorsements, signature verification and balance availability. Losses are charged to the teller only when policies are not followed. Proficient status assigns a cumulative appraisal period loss tolerance of \$10.00 per day worked.

#3 Customer Service: Tellers are the window through which most of our organization is viewed. As such, tellers are expected to project a positive, competent and pleasant manner that has at its base, courtesy and respect for our customers. Customer interaction is to be non-confutational, with problematic issues referred to immediate supervisors for resolution.

#4 Referrals: The sale of products and services is paramount to the success of the bank with front line recognition of customer needs at its core. Teller interaction with customers is to be sufficient enough to produce at least 3 referral per day worked. A referral is defined as a customer with a need, an interest and the ability to purchase the product for which they are referred.

#5 Other: Individual tellers are given specific duties to perform. The way they complete their tasks can have either a positive or negative effect on the branch as a whole. Assigned duties are expected to be completed accurately and in a timely fashion. Flexibility and cooperation with management are required elements as is arriving on time on days worked. A positive disposition, a sense of urgency and a professional demeanor are essential elements of the position.

shirley lee 6/4/01
Teller/Date

Jeri Cardner 5-16-01
Supervisor/Date



DELEGATED AUTHORITIES - Teller

Effective 11-27-01 the following authority is delegated to you based on your demonstrated proficiency. Use good judgement; these limits do not determine whether a fee is charged as policy or non-policy. If sufficient authorities are not available at officer level for a given transaction, verbal approval must be obtained from the next management level or the responsible account officer.

Total Cash Drawer Limit \$ <u>7000</u>	Exception Cash Limit \$	Maximum Top Drawer Limit \$ <u>4000</u>	Traveler's Cheque Limit \$
---	----------------------------	--	-------------------------------

Tier 8

CASH PAIDS ON-US ITEMS	Description	Delegated Authority	
		Amount	Comments
	Maker & Payee are the Same	\$1,000	N/A
	Two-Party Personal Checks	\$1,000	\$500
	Two-Party Business Checks	\$1,000	\$1,000
	Cashier's Checks	\$1,000	N/A
	Savings Withdrawals	\$1,000	N/A
	Other Banks' Two-Party Checks	\$1,000	N/A
	Other Banks' Cashier's Checks	\$1,000	N/A
	Government Checks	\$1,000	N/A
	Savings Bonds	\$1,000	\$1,000
	Traveler's Cheques	\$1,000	\$1,000
	Cash Advances	\$1,000	\$1,000
	Deposit Acceptance	\$3,000	\$1,000
	Funds/Wire Transfers	\$1,000	N/A
	Exception Wires	\$5,000	N/A
	Paying Through Uncollected	\$0	N/A
	Fee Reversals/Wavers	\$1,000	N/A
	Telephone Transfers (If applicable)	■■■■■	N/A
	Interbranch Transactions (IOT/BT)	\$1,000	N/A
	Operating Loss Approved	\$1,000	N/A
	Operational Overdraft	\$500	N/A
	Paying Through Holds	\$500	N/A
	TeleCheck Override	\$500	N/A
	Other General Ledger	No	N/A
	Cashier's Check Signing Authority	\$50	N/A
		\$5,000	N/A
			N/A

By signing this Delegated Authorities form, I agree to perform only those authorized transactions which are necessary to do my job and which are within the limits set forth for bank authorized official duties. I acknowledge that all activities performed by me are traceable to me and they are monitored. I understand my delegated authorities as detailed on the front of this form and that they supersede all previous authorities.

User's Name (printed):

Hirley Lee

User's Title:

11 Time Teller

User's Signature:

S. Lee

User's Social Security #:

511-00-0000Date: 11/28/01

Manager's Name (printed):

Jeff Corathers

Manager's Title:

CStm

Manager's Signature:

Jeff CorathersDate: 11-28-01Date: 11-28-01

Redacted

Compass/Lee
004

SEP-13-2002 FRI 05:13 PM CT COMPASS BANK

FAX NO. 334-7032

P. 03

PENGAD 800-631-6888

DEFENDANT'S
EXHIBIT

8

Compass Bank

BID APPLICATION

To Be Completed by Human Resources
 Date Received 7/13/02 Requisition Number 43099

To Be Completed By Employee

Name <u>Shirley Lee</u>	Social Security Number	Extension <u>7022</u>
Current Position <u>P/T</u> <input type="checkbox"/> <u>F/T</u> <input checked="" type="checkbox"/>	Date of Hire <u>04/30/01</u>	Current Position <u>Teller</u>
Position Desired <u>P/T</u> <input type="checkbox"/> <u>F/T</u> <input checked="" type="checkbox"/>	Job Posting Number	Present Department <u>Retail Dept.</u> Department <u>Retail</u>
Home Phone # or Contact # (for those who work evenings)		
Please State Your Qualifications for the Position You Are Seeking. (Resumes could be added as an option if employee has one)		
<u>4 years' experience of Retail Banking (more than 1 year at Compass Bank)</u> <u>Good written or oral communication skills, and P.C. skills</u> <u>Retailer's desire on business / Honesty, integrity, persistent, etc.</u>		
Employee Signature <u>Shirley Lee</u>	Date <u>7/13/02</u>	

To Be Completed by Employee's Supervisor

Date of Last Performance Appraisal <u>4-14-02</u>	Rating <u>P</u>	Date of Prior Performance Appraisal	Rating
---	-----------------	-------------------------------------	--------

Is this employee in good standing or performing in a proficient manner at present? Yes No

Is this employee's attendance record satisfactory? Yes No Comments 4 occurrences

Does this applicant meet at least the minimum qualifications for the posted job?

Yes No HR Should Determine

Are there any job related reasons why this employee should be placed in the position for which he/she has applied?

Yes No Comments Referral good

Are there any job related reasons why this employee should not be placed in the position for which he/she has applied?

Yes No Comments

Supervisor Signature <u>Jeanne Canother</u>	Extension <u>7009</u>	Date <u>9-13-02</u>
---	-----------------------	---------------------

Print below

To Be Completed By Human Resources	Job Code#	Prima Inc \$	% <u>0.00%</u>
If not placed in the position, state reason	Effective Date:	Merit Inc \$	% <u>0.00%</u>
		TOTAL INC	% <u>0.00%</u>
	Dept No.	Site Code	Grade
	Next Perf Date	New Salary	

Name of Employee Selected (if another employee is selected)

Print & Save

Start Date

Other Comment

Human Resources Signature

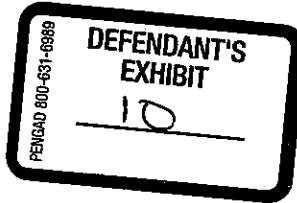
Date

Redacted



P.O. Box 2006
Dothan, Alabama 36302
334 712-7030
www.compassweb.com

To: Shirley Lee
From: Jerri Carothers
Date: November 5, 2002
Re: Attendance – Written Warning



Shirley, we have discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. On September 19, 2002 you were placed on Verbal Counseling for your attendance. Unfortunately, since this counseling, you have been absent on October 15th and 16th. Under the Attendance Policy, you are being placed on the Written Warning stage of discipline.

A review of your attendance reveals the following absence occurrences:

Occurrences: Absence

- No. 1: December 5, 2001
- No. 2: April 8, 2002
- No. 3: May 28, 2002
- No. 4: September 9, 2002
- No. 5: October 15, 2002 (half day) & October 16, 2002

Shirley, you must immediately improve your attendance. It is only due to management not addressing this sooner in writing that you are not being placed on Probation. Under our Attendance Policy, you currently have enough absences to be on Probation.

I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further disciplinary action, including immediate termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

Shirley Lee
Associate's Signature

11/6/02
Date

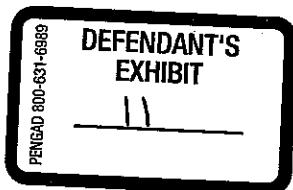
CC: Human Resources

9-17-02

Ms. Willie Lee Pittman came into the bank and had a complaint on Shirley Lee. Ms. Pittman had come thru drive in on Monday afternoon about 4:30. Shirley asked her if she had an account here and she said no. Shirley told her there would be a \$3 fee. Ms. Pittman said OK because she did not have time to go to her bank. Ms. Pittman said that Shirley waited on about 5 cars after informing her of the \$3 fee before cashing the check for Ms. Pittman. Ms. Pittman felt that it was because she was black and was not dressed very well at the time.

I thanked Ms. Pittman for making me aware of the situation and assured her that I did not think Shirley intended to make her feel that way. I addressed the situation with Shirley on 9-19-02.

Reyna



JAN-17-2003 FRI 04:34 PM C ASS BANK

P. 01

DEFENDANT'S
EXHIBIT
12

PENGAD 800-631-8889

BID APPLICATION

To Be Completed by Human Resources	
Date Received	Requisition Number
1-17-03	44360

To Be Completed By Employee

Name	Social Security Number	Extension
Shirley Lee		3032
Current Position P/T <input checked="" type="checkbox"/>	Date Current Position	Present Department
4-30-01	4-30-01	Retail / Teller
Position Desired P/T <input checked="" type="checkbox"/>	Job Posting Number	Department
Financial Service Representative	44360	Retail
Home Phone # or Contact # (for those who work evenings)		

Please State Your Qualifications for the Position You Are Seeking (Resume could be added as an option if employee has one)

I am a hard worker and I am self motivated. I have experience in dealing with the Compass Accounts being a teller, and I have a relationship with many of the customers. I also have a Bachelor's Degree in Business Administration.

Employee Signature Shirley Lee Date 1-17-03

To Be Completed by Employee's Supervisor

Date of Last Performance Appraisal	Rating	Date of Prior Performance Appraisal	Rating
4-30-01	Proficient	N/A	
Is this employee in good standing or performing in a proficient manner at present?		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	
Is this employee's attendance record satisfactory? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		Comments W/T - New location	

Does this applicant meet at least the minimum qualifications for the posted job?

Yes No HR Should Determine

Are there any job related reasons why this employee should be placed in the position for which he/she has applied?

Yes No Comments:

Are there any job related reasons why this employee should not be placed in the position for which he/she has applied?

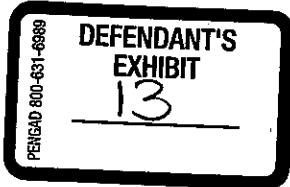
Yes No Comments:

Supervisor Signature <u>Jenni Casashers</u>	Extension 7039	Date 1-17-03
---	----------------	--------------

Print below

To Be Completed By Human Resources	Job Code#	Promo Inc \$	% 0.00%
If not placed in the position, state reason	Effective Date:	Merit Inc \$	% 0.00%
		TOTAL INC	% 0.00%
	Dept No. Junc.	Site Code	Grade
	Next Perf Date	New Salary	
Print & Save 			
Name of Employee Selected (if another employee is selected) _____			
Start Date	Other Comment		
Human Resources Signature			
Date			

Redacted



Memo

To: Shirley Lee
From: Jerri Carothers
CC: Regina McNeil
Date: 01/27/03
Re: Customer Service Complaint

This memo is to go over the customer service complaint that Sybille received from Bernard Petit.

Mr. Petit was upset that he had to wait so long in the drive in. He said that when he complained about the wait being so long that you told him that he could go inside if he didn't want to wait. He said that he told you that going inside was not possible since there was a car in front of him and one behind him. Mr. Petit feels that customer service has declined at both branches over the last few months. I know that we have been short at times but it is important that we acknowledge our customer's frustrations and try to always be pleasant.

It is not a matter whether we are short or not, I am always busy on Thursday and I always work alone on Thurs. I am always pleasant to customers, even though they are not friendly sometimes. In this particular case, I did not recall I said something like that to him (Mr. petit), actually. I never have said that to anybody in terms of awaiting. Someone (He) might be misunderstanding, he made up the story because he either dislikes me or a racist. I'd like to talk to him personally to find out

why he was offended if I could (allowed)

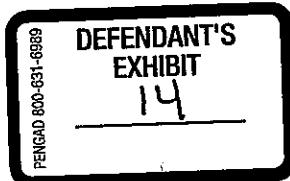
Besides these, I don't know managers are aware of this or not, I hear compliments from customers everyday, they appreciate my friendly & fast service, but I don't rule out the possibilities that few people don't like the way I work or dislike me period. I am still learning and keep improving myself, always.

Sincerely,

Shirley Lee



Compass Bank
P. O. Box 2006
Dothan, Alabama 36302
334-712-7600



TO: Shirley Lee
FROM: Jerri Carothers
DATE: January 27, 2003
SUBJ: Attendance – Probationary Warning

Shirley, on November 5, 2002, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a documented Written Counseling. Since that time you have been absent from work on January 23, 2003. Under the Attendance Policy, you are in the Probationary Warning stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

Occurrences: Absence

No. 1 April 8 2002
No. 2 May 28 2002
No. 3 September 9, 2002
No. 4 October 15 2002 (half day) & Oct 16, 2002
No. 5 January 23 2003

Occurrences: Tardies

No. 1 January 21 2003 (20 minutes late)

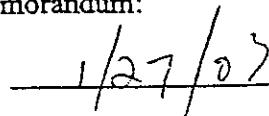
Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next rolling 12 months will result in further counseling and disciplinary action, up to and including immediate termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:



Shirley Lee

Date



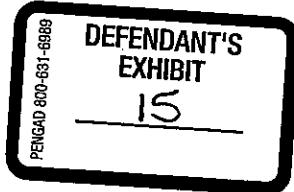
1/27/03

CC: Human Resources



P.O. Box 2006
Dothan, Alabama 36302
334 712-7030
www.compassweb.com

TO: Shirley Lee
FROM: Jerri Carothers
DATE: July 21, 2003
SUBJ: Attendance – Written Counseling



Shirley, on January 27 2003, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. In addition, you were advised on April 8 2003, of your status under the Attendance Policy, which was a documented Verbal Warning. Since that time you have been absent from work on June 9, 2003. Under the Attendance Policy, you are in the Written Counseling stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

Occurrences: Absence

No. 1 September 9 2002
No. 2 October 15 2002 (half day) & October 16 2002
No. 3 January 23 2003
No. 4: June 9 2003

Occurrences: Tardies

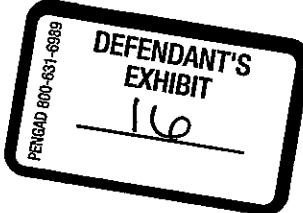
Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next rolling 12 months will result in further counseling and disciplinary action, up to and including termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

A handwritten signature of Shirley Lee over a solid horizontal line.
Shirley Lee

A handwritten date "7/21/03" over a solid horizontal line.
Date

cc: Human Resources



Compass Bank
P. O. Box 2006
Deman, Alabama 36302
334-712-7000

To: Shirley Lee

From: Jerri Carothers

Date: 11-19-03

Re: Attendance - Written Counseling

Shirley, as you know acceptable attendance and punctuality are key to our providing quality customer service. On 10/15/03, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a Verbal Warning. Since that time you have been absent from work on 10-27, and 10-28, 2003. Under the Attendance Policy, you are in the Written Counseling stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

Occurrences: Absence

No. 1: 1-23-03
No. 2: 6-9-03
No. 3: 10-14-03
No. 4: 10-27,10-28

Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further counseling and disciplinary action, including termination of your employment with Compass Bank.

Please sign below acknowledging receipt of this memorandum:

Shirley Lee
Shirley Lee

11/21/03
Date

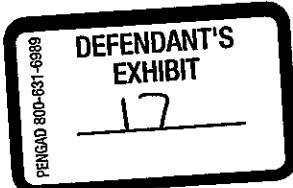
cc: Human Resources



Compass Bank
P.O. Box 2006
Dothan, Alabama 36302
334-712-7030

To: Shirley Lee
From: Jerri Carothers
Date: February 24, 2004

Re: Attendance – Written Counseling



Shirley, as you know acceptable attendance and punctuality are key to our providing quality customer service. On 11-19-03, we discussed your overall attendance performance and the importance of you being at work and on time during your scheduled time periods. You were advised on that date of your status under the Attendance Policy, which was a Written Warning. Since that time you have had one occurrence roll off on Jan 23 but have since been absent on February 16 and February 17 2004. Under the Attendance Policy, you are still in the Written Counseling stage of discipline.

A review of your attendance reveals the following absence or late to work occurrences:

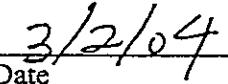
Occurrences: Absence

- No. 1: 6-9-03
- No. 2: 10-14-03
- No. 3: 10-27-03, 10-28-03
- No. 4: 2-16-04, 2-17-04

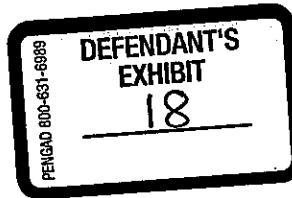
Shirley, you must immediately improve your attendance. I am here to support you anyway I can, but ultimately it is your responsibility to maintain an acceptable level of attendance. Further absences or tardies within the next 12 months will result in further counseling and disciplinary action, including termination of your employment with Compass Bank.

I have read and understand the above.


Employee Signature


Date

cc: Human Resources



Teller:

Review Period:

Teller Performance Expectations

#1 Sales Referrals: The sale of products and services is paramount to the success of the bank with front line recognition of customer needs at its core. Your interaction with customers is to be sufficient enough to produce at least three referrals per day. This level of production is considered proficient. A referral is defined as a customer with a need, an interest and the ability to purchase the product for which they are referred.

#2 Shorts/Overs: Your cash drawer is expected to be in balance at all times. Proficient status assigns a period tolerance of up to \$1.00 per day X 22 days worked. Proficient status also designates the number of occurrences during this same period at six.

#3 Other Losses: You are expected to adhere to deposit acceptance and check cashing policies in accordance with guidelines assigned to you. Responsibilities include but are not limited to a review of deposited items, checking endorsements, signature verification and balance availability. Losses are charged to you only when policies are not followed. Proficient status assigns a period tolerance of up to \$1.50 per day X 22 days worked.

#4 Document Preparation: Beyond deposit acceptance and check cashing is the area of internal document preparation. You are expected to become proficient in the issuance of Official Checks & Money Orders and accurate in the completion of items such as TT & Ls, CTRs, MILs, bankcard payments, etc. PODs reflect errors in Proof work and are expected to be minimal as are Audit Exceptions. Proficient status permits not more than two occurrences per month.

#5 Customer Service: You are the window through which most of our organization is viewed. As such, you are expected to project a positive, competent and pleasant manner that has as its base, courtesy and respect for our customers. Customer interaction is to be non-confrontational, with problematic issues referred to immediate supervisors for resolution. Shopper scores are viewed, as a direct reflection of the quality of work produced and are expected to be at least at the average set by the company in order to be proficient.

#6 Other: You will be given specific duties to perform. The way you complete the tasks can have either a positive or negative effect on the banking center as a whole. Assigned duties are expected to be completed accurately and in a timely fashion. Flexibility and cooperation with management are required elements as is arriving on time on days worked. A positive disposition, a sense of urgency and a professional demeanor are essential elements of performing your job in a proficient manner and your display of the Compass Way Principles will be considered as part of your customer service skills and the average of both the shop score and your supervisor evaluation will be calculated

Shirley Lee
Teller/Date

Jeanne Canothers 4-13-04
Customer Service Manager / Date

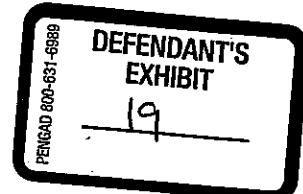
Revised 11/01/02



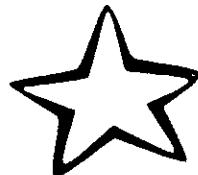
Compass Bank

MINI-PROOF CHECKLIST

- "T" notation complete on deposit slip / check
- Cash in and cash out validated (on the correct ticket)
- Review for Delegated Authority Limits
- Verify counter slips
 - Full name is complete and legible
 - Address is listed and legible
 - Account number is legible
 - Notations are completed
 - Account number is validated on the deposit slip
- Fees collected for consignment items and non-customer check cashing
- Verify non-customer checks have thumbprints
- Identify red flags
- All credit card/safe box/cash advances are separated from regular work
- Collection items sent to Houston
- No cash in work
- Credits before debits
- Verify proper endorsement and negotiability of items
- Transaction is in balance
- Recourse account number used
- Transactions facing same direction
- No staples, rubber bands, or paper clips
- Verify completion of CTR/MIL



Each teller's work should be reviewed once a week at minimum. When reviewing work, account numbers on counter deposit slips should be verified on C-NET on a random basis.



7 Teller Strategic Questions

A - Authority?

M- Memo Hold?

E- Endorsement?

R- Recourse?

I- Identification?

C- Cash Item?

N- Negotiable?

Check Notifications

Jane Customer 123 Any Road Anytown, Anystate 99999	SM / Open Date (Init) Curr. Bal.	ID (Type/#/Date) MTL	Date _____ Pay to the Order of _____ For _____	1111 \$ [] Dollars _____ SC MP
--	-------------------------------------	-------------------------	---	---

Bank of Anywhere

Key: |: 123456789 |: 0123456789 ||` 1111

SC - denotes that you have verified signatures on the Signature Card System
 SM - denotes that the system has been checked for messages (stops / pays / holds / comments / monetary activity)
 Open Date - Open date of the account as shown on Mif
ID - denotes that the identification presented has been verified, enter the type of identification, the id number and the expiration date
 (Init.) - space for the initials of the individual approving the transaction, based on delegated authorities
 Curr. Bal - the current AVAILABLE balance from the system
 MTL - denotes that you have placed a hold on the system

Deposit Notifications

DEPOSIT TICKET		SM / Open Date	ID (Type/#/Date)	CASH
Jane Customer	123 Any Road Anytown, Anystate 99999	(Init.) Avg Coll	NSF's	\$
Date				
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL				
SIGN HERE IF CASH RECEIVED FROM DEPOSIT				
T/C 04				
BANK DEPOSIT				
Bank of Anywhere				

SSSC denotes that you have verified signatures on the Signature Card System.

SM - denotes that the system has been checked for messages (stops / pays / holds / comments / monetary activity)
Open Date - Open date of the account as shown on M11. (Used to determine need for Reg CC Hold)

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Compass/Lee
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Don't LACK inspecting
the details on these
types of SCAMS!!

L- Less Cash Scam

A- Altered Check Scam

C- Customer Impersonation

K- Kiting



The 7 Strategic Teller Questions To Loss Prevention

Review these seven questions prior to conducting each and every transaction.

1. Is this a negotiable item?

- Does the item meet the "5" points of negotiability?
 - Date – not future or stale dated
 - Payee – name and words of negotiability
 - Amount – in numbers and words
 - Drawee Bank – the bank name, address & logo
 - Drawer – the maker's signature
- Payable upon demand (not future or stale dated)
- Words of negotiability must say, "Pay to the Order Of,"
(For "Payable At" or "Payable Through" see you CSM – Do not negotiate)
- Must be payable in US funds only
- Must have a valid routing/transit number (TTQG, reference tab, page 10)
- Will have no documents attached

2. Is this a cash item?

- All deposited and cashed items:
 - Is this a Compass Bank customer and an authorized signer (RMLP and RMRB)?
 - Obtain proper identification
 - Check payable to a business must be deposited. They cannot be cashed.
- On-Us cashed checks
 - Are there enough funds in the account (IMI1)?
 - Are there stops or holds on the check (IMI5)?
- Transit cashed checks
 - Is this a Compass Bank customer (RMLP or IMI1)?
 - Does the Compass customer have at least half the amount of the check (IMI1)?
 - Is the account in good standing (RMAB/ "alerts," IMI1/ "MSGSS", SMIM, IMIO)?
- Counter items
 - Obtain proper identification
 - If cash back, verify customer signature on Signatrieve and note slip with "SC"
- Deposit items
 - Review Reg CC job aid

3. Does the bank have recourse?

4. Is the item properly endorsed?

- Was the item endorsed by all payees in front of the teller?
- If it is a counter item and/or over \$500, was Signatrieve checked?
- Did you match the endorsement with the customer's identification?
- Obtain CSM approval for all endorsements except Blank and Restrictive (see Endorsement job aid)
- No third party checks are acceptable without CSM approval.

5. Is identification required?

- When you don't know the customer
- Cashed checks
- Deposits with cash back
- All counter items
- Obtain thumbprint on all non-customers cashing an on-us check over \$100

**6. Do I need to place an IMTL
Memo hold or Reg CC hold?**

- IMTL
 - Place on all on-us cashed checks, for the entire amount
 - Place on all transit cashed checks, for \$1.00 (TQC, Help Tab, and Pg. 13)
- Reg CC, Deposit Item Hold Form
 - Completed on all deposits on "new accounts" 30 days old or less.
 - Other hold reasons: see Reg CC job aid for other "Exception" and "Case-by-Case" hold reasons.

**7. Is this within my Check-cashing
Limit?**

- My check cashing limit is: \$ _____
- My deposit limit is: \$ _____
- My cash back limit is: \$ _____
- My cash advance limit is: \$ _____

Don't forget your "T" on all transactions!

For additional information, please refer to your Teller Quick Guide, your CSM or Lead Teller, ROSS and/or the BOM.



**When checking ID...always
remember to say PLEASE!**

P- Photo?

L- Lamination?

E- Expiration?

A- Age?

S- Signature?

E- Erasures?



ELLA JOYCE HAMILTON

83-15111/C70
100000/088

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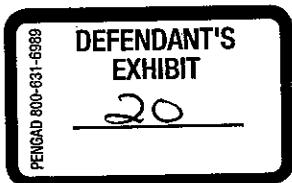
DATE 11-18-04

PAY TO THE ORDER OF Cheryl Allemas \$ 1500.00

One thousand five hundred DOLLARS 00/00

FLORIDA GULF BANK

MEMO 1011 7268300 322112204000 Ella Joyce Hamilton



Compass Bank,
Birmingham, AL
11/22/04

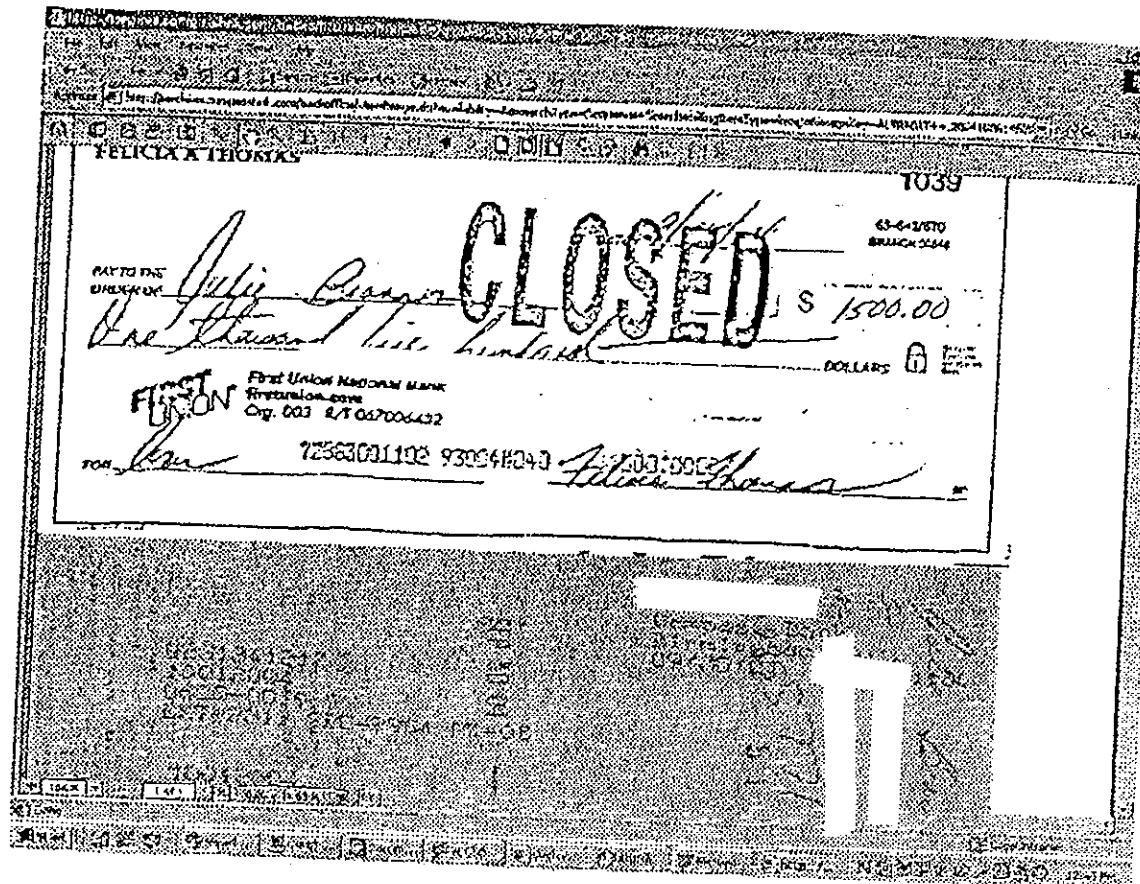
Cheryl Allemas

Donna
Sickler
SK Sickler

Talked to Shirley, she really didn't remember anything
no explanation about T-bar. Said she did think she
had w in it was for our customer

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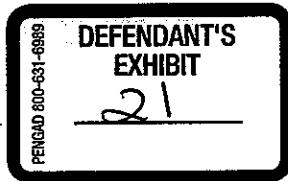
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P.O. Box 2006
Dothan, Alabama 38302
334-712-7030

TO: Shirley Lee
FROM: Regina McNeil/Jerri Carothers
DATE: January 28, 2005
SUBJ: Performance- Failure to follow Teller Standards/ Delegated Authority (check cashing limits)

Customers place their trust in our abilities and we must honor that trust by working responsibly and conscientiously. A Compass Bank teller must avoid actions that subject the Bank and its customers to losses.

On September 30, 2004 you cashed a non-Compass check in the amount of \$1500.00 for customer Julie M. Brannon. On November 22, 2004 you cashed a non-Compass check in the amount of \$1500.00 for Cheryl Alleman. These checks were drawn on accounts in Florida. You failed to obtain customer identification, thumb print, signature was not verified on system and no T bar with required information or customers account number referenced on the check. In addition, you did not receive supervisor's approval and the check was over your delegated authority.

This check was part of several fraudulent checks written against Mrs. Brannon's and Mrs. Alleman's account. Due to the fact policy was not followed when checks were presented for payment, Compass Bank and our office has taken the loss of \$3000.00.

In accordance with the Teller Standards you signed on 4/13/04 and delegated authority signed on 11/28/01, the failure to adhere to your checking cashing limit and bank policy and procedures requires us to terminate our employment relationship with you. You may resign if you choose, if not, your employment will be terminated effective immediately.

We wish you the best in your future endeavors. Human Resources will forward to your home address, the benefits termination information. If you have any questions, you may call them at 251-470-7327.

Please sign below acknowledging receipt of this memorandum.

Shirley Lee

Date

cc: Human Resources/Personnel File

Shirley Z. Lee

Tel:
E-mail:

Feb. 01, 2005



Bynum Rogers
Human Resources Director at Southeast Alabama District
Compass Bank
P.O.Box 295
Montgomery, AL 36101

Dear Bynum:

I am writing to you to let you know what happened at the Compass Bank Dothan Main and I am sincerely hope that things can change before they go any further.

To me, the Compass way should be a kind way, unique, proud way, not the ugly way I have experienced. On Jan 28, 2005, I was sick from a bad cold; however, considering a busy day and also Friday, I came to work. Soon after I balanced the drawer and put works away (It was ten after 6:00 pm), Jerri Carothers (Customer service manager) and Regina McNeil (Brach Manager at Dothan Main) called me in to sign a letter, which terminated my employment with Compass Bank because of outage that I had in 2004.

I started to work at Compass Bank April 1 2001, and I have won Compass Bank Gold 'Club Award every quarter for the past three years. This is the first time and the only time that I have caused a loss for Compass Bank, although it was two incidents. Unfortunately both incidents were brought to me at the same time and on the same day (Dec. 30, 2004). Then, on Jan. 28, 2005, they showed me the letter and forced me to sign it even though the content was not honest as it should be. For example, they said that I failed to ask the customers to do the thumbprint, but, according to the bank regulations, the compass customers are not required to do so. They have never clearly indicated how much my check-cash limit was. I have asked Jerri carothers once in early 2004, she said she was going to look it up for me, but she did not tell me until Jan. 24, 2005. I had always thought it was \$3000.00!

If in fact I did not follow the complete procedure to cash the checks, the managers did not follow the correct procedures to terminate an employee either (it was a busy day, so I forgot to write down the T-bar on the check that I cashed). Prior to that, they did not give me any kind of warning or probation in writing. Furthermore, Jerri Carothers (customer service manager) did not handle the matter properly.

On Dec. 30, 2004, she walked to my teller window and told me about the loss and criticized me in front of every teller with two customers present. I believe it was a very

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serious matter, which should have been discussed privately or behind the door. Later on, when I told her that, she replied, "Well, we don't have a whole lot of places to go" which is not right, because we have a private conference room here. Also we have break room, copier room and private lady's room. Jerilynn Carothers treated Jerilyn Harris the similar way in early September last year. Jerilyn was a very good teller, but she had to quit her job with Compass Bank because she was accused wrongly and unfairly. Why? The managers do not like the black people, Asian or other minorities. They treat us differently, without any respect and mercy. In September last year, my life was turned upside down; I had to file a restraining order against my husband. Both managers were aware of that, but none of them had ever showed her concerns to me or offered any help. I knew I needed a couple of days off, but the bank was short-staffed as a result of the extremely high turn over rate, so I did not miss any day at work. I deeply regret that now because it might be one of the reasons for the mistake I made - I couldn't concentrate on my job because of the stress from home and from the working place!

The matter mentioned above is not the only time managers handle things improperly and unprofessionally. Another example was about my vacation day in November last year. I was scheduled to be off on Nov 26, the day after Thanksgiving. It was very important because all the daycare was closed that day. I did not have any family members here who could watch my son and it was a difficult day to find a babysitter, because everybody who did not work wanted to go shopping. Jerilynn Carothers came to me a few days before Thanksgiving and told me that she cancelled my vacation. Because Adrienne quit the job, and we were short-handed. She had to cancel hers on that day too. I told her it was fine, because the job was important. The fact was she took that day off without mentioning any word to me. I did not mind and it was not my business when she took her vacation. My complaint is she lied to me, and did not show any appreciation for my working that day. She never apologized to me for the inconvenience and expense it caused me either.

The last matter, also the most important matter that I want to report is that I feel I have been racially discriminated against and received the personal retaliation from the managers at Compass Bank Dothan Main. I wanted the position of FSR before I started the teller position. Brenda, who was former Human Resources Director, told me that they did not have any opening then. So I took the teller job anyway because lots of my friends have accounts with Compass Bank. From year 2002 to year 2004, the same FSR position has been opened four times. I applied the first time, it was turned down, second time was turned down, and the third time was turned down. Regina McNeil told me that she had had a trained person transferred to the position. She would put me into consideration when the position opened again. It did, when Holly Brownell quit her job. However, she never mentioned it to me and intentionally ignored it, because she does not like me, because I am a Chinese-American and also because I do not agree with her on some issues. Compared to the person she hired, I have more qualifications. I have more than seven years banking experience; I have a bachelor's degree in international business and a Master's degree in business administration earned from Troy State University in Troy (the new FSR does not have any college degree). I am hard working, self-motivated and